

CITY OF SAN DIEGO COUNCIL DOCKET



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**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building
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Monday, November 9, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, NOVEMBER 9, 2015, AT 2:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled “SB 343.” Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Exclusive Negotiation Agreement with Cisterra Development - 7th & Market Site (bounded by Market Street and Seventh, Eighth and Island Avenues). (East Village Neighborhood of the Downtown Centre City Community Plan Area. District 3.)

ITEM DESCRIPTION:

Enter into Exclusive Negotiation Agreement (ENA) with Cisterra Development for the 7th and Market Site.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-150 Cor. Copy)

Approving an Exclusive Negotiation Agreement (ENA) with Cisterra Development for a proposed Mixed-Use Project at Seventh and Market in Downtown San Diego;

Authorizing the Mayor, or designee, to execute the Agreement and sign all documents necessary and appropriate to carry out and implement the Agreement;

Authorizing the Chief Financial Officer, as delegated, to accept the Developer's deposit in the amount of \$50,000 and \$100,000, and to appropriate and expend such funds as contemplated under the Agreement.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None with this action. The proposed Exclusive Negotiation Agreement (ENA) requires that Cisterra submit a \$100,000 good faith deposit to CivicSD/City that would be returned to Cisterra upon termination of the ENA if Cisterra has negotiated diligently and in good faith. It also requires that Cisterra submit a non-refundable, \$50,000 negotiation deposit related to negotiating and preparing the proposed ENA and Development and Disposition Agreement (DDA). Interest accrued from both deposits would be retained by the City. In accordance with the terms of the ENA, the purchase price and other terms of payment payable by Cisterra to the City will be negotiated as part of and incorporated into the DDA.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Jarrett/Graham

Primary Contact\Phone: Eli Sanchez\619-533-7121, MS 51D
City Attorney Contact: Malcolm, Katherine A.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-201: Update to the Ocean Beach Community Plan and Local Coastal Program-Approval of Coastal Commission Modifications. (Ocean Beach Community Plan Area. District 2.)

ITEM DESCRIPTION:

Update to the Ocean Beach Community Plan and Local Coastal Program:

A. Approve or deny the California Coastal Commission Modifications to the July 29, 2014, City Council adopted Ocean Beach Community Plan and Local Coastal Program. Before the Ocean Beach Community Plan and Local Coastal Program can become effectively certified, the City Council must take formal action to adopt the Coastal Commission's suggested modifications.

B. Approve or deny the de minimis revisions to the Ocean Beach Community Plan and Local Coastal Program.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2016-200 Cor. Copy) (Rev. 11/5/15)

Adoption of a Resolution approving the California Coastal Commission suggested modifications to the Council-adopted July 2014 Ocean Beach Community Plan and Local Coastal Program;

Adopting amendments to the Ocean Beach Community Plan and Local Coastal Program that implement the comprehensive update thereto, and that it adopts corresponding amendments to the General Plan, with a copy of said update being on file in the Office of the City Clerk;

Authorizing the Mayor, or his designee, to submit this Resolution to the California Coastal Commission for final certification and incorporation into the City's certified Local Coastal Program after adoption;

That this Resolution shall not take effect until the date the California Coastal Commission unconditionally certifies these provisions as a local coastal program amendment.
(Rev. 11/5/15)

Subitem-B: (R-2016-199 Cor. Copy) (Rev. 11/5/15)

Adoption of a Resolution adopting the *de minimis* amendments to the Ocean Beach Community Plan and Local Coastal Program that implement the comprehensive update thereto, and that it adopts corresponding amendments to the General Plan, with a copy of said update being on file in the Office of the City Clerk;

Authorizing the Mayor, or his designee, to submit this Resolution to the California Coastal Commission for final certification and incorporation into the City's certified Local Coastal Program;

That this Resolution shall not take effect until the date the California Coastal Commission unconditionally certifies these provisions as a local coastal program amendment.
(Rev. 11/5/15)

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Smart Growth and Land Use Committee meeting on April 30, 2014, heard and forwarded the plan update and associated documents and actions to the City Council for consideration. The Planning Commission recommended approval of the Ocean Beach Community Plan and Local Coastal Program, rezoning, Public Facilities Financing Plan, and certification of Final Environmental Impact Report and associated documents May 29, 2014, by a vote of 7-0-0. The City Council adopted the Ocean Beach Community Plan & Local Coastal Program, Public Facilities Finance Plan, Programmatic Environmental Impact Report, and introduced the Ordinance to rezone 20.53 acres on July 29, 2014.

Tomlinson/Graham/kb

Primary Contact\Phone: Karen Bucey\619-533-6404, MS 413

Secondary Contact\Phone: Brian Schoenfisch\619-533-6457, MS 413

City Attorney Contact: Neuffer, Corrine

ITEM-201 (Rev. 11/5/15)

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Comment is taken toward the end of the Monday afternoon Council session.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT (Rev. 11/6/15)

~~In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.~~

NOTE: ~~Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the Closed Session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.~~

Information Item – No Action Required – The City Council shall:

~~1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Allow for questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in Closed Session; 4) Refer matters discussed to Closed Session.~~

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Submission of Ballot Proposals for the June 7, 2016 Ballot.

**SUBMISSION OF BALLOT PROPOSALS
FOR THE JUNE 7, 2016 BALLOT**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket, prior to the election, the ballot proposals which have been referred to Council following Committee review.

Therefore, the City Clerk has established the following administrative guidelines for the June 7, 2016, election.

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Tuesday	1/5/16	154	LAST DATE (5:00 p.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee
Wednesday	1/13/16	146	Committee review
Monday	1/25/16	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee
Monday	2/1/16	127	Council to discuss propositions and direct City Attorney to prepare ordinances placing measures on the ballot
Monday	2/22/16	106	Council adopts ordinances prepared by City Attorney
Friday	3/11/16	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	3/24/16	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4000.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT